

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **ON-THE-FLY REDUNDANCY OPERATION IN THE SYNCHRONOUS DISK ARRAY CONTROLLER**, the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_ as United States Patent Application No. or PCT International Application No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate or of any PCT international application having a filing date before that of the application on which priority is claimed.

NONE

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications(s) listed below:

NONE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information that is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>08/642,453</u>	<u>May 3, 1996</u>	<u>pending</u>
(Application No.)	(Filing Date)	(Status--patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application, to file any corresponding international application(s), and to transact all business in the Patent and Trademark Office connected therewith:

<u>Name</u>	<u>Reg. No.</u>
Paul S. Angello	30,991
Kassim M. Ferris	39,974
Michael L. Levine	33,947
Richard B. Preiss	36,640
Micah D. Stolowitz	32,758
James L. Wolfe	33,623

Direct all telephone calls to Micah D. Stolowitz at telephone number (503) 224-3380.

Address all correspondence to:  
STOEL RIVES LLP  
900 SW Fifth Avenue, Suite 2600  
Portland, Oregon 97204-1268

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Full name of sole or first inventor: Michael C. Stolowitz

Inventor's signature: 

9/28/99  
Date

Residence: Danville, California

Citizenship: U.S.A.

Post Office address: 2390 Saddleback Drive, Danville, California 94526

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0044541-00002

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c))--SMALL BUSINESS CONCERN**

Attorney Docket No.: 44541/2:2

Applicant, Patentee, or Identifier: Stolowitz, Michael C.

Application or Patent No.:

Filed: Concurrently Herewith

Title: **ON-THE-FLY REDUNDANCY OPERATION IN  
THE SYNCHRONOUS DISK ARRAY CONTROLLER**

I hereby state that I am

- ☐ the owner of the small business concern identified below.  
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN: NetCell Corporation

ADDRESS OF SMALL BUSINESS CONCERN: 2150 Trade Zone Blvd., Suite 203  
San Jose, California 95131

I hereby state that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties control or have the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify

as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

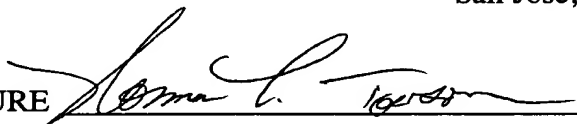
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING: Norm Towson

TITLE OF PERSON IF OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 2150 Trade Zone Blvd., Suite 203  
San Jose, California 95131

SIGNATURE



DATE

9-28-99

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(b))--INDEPENDENT INVENTOR**

Attorney Docket No.: 44341/2:2

Applicant, Patentee, or Identifier: Stolowitz, Michael C.  
Application or Patent No.:  
Filed: Concurrently Herewith  
Title: **ON-THE-FLY REDUNDANCY OPERATION IN  
THE SYNCHRONOUS DISK ARRAY CONTROLLER**

As a below-named inventor, I hereby state that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office with regard to the invention described in:

- ☒ the specification filed herewith with the title listed above.  
☐ the application identified above.  
☐ the patent identified above.

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.  
☒ Each such person, concern, or organization is listed below.\*

\*NOTE: Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities.  
(37 CFR 1.27)

FULL NAME: NetCell Corporation

ADDRESS: 2150 Trade Zone Blvd., Suite 203, San Jose, California 95131

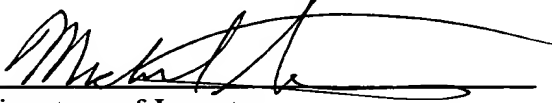
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☐ INDIVIDUAL      ☒ SMALL BUSINESS CONCERN      ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

Michael C. Stolowitz

NAME OF INVENTOR



Signature of Inventor

9/28/99

Date

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